

UNITED STATES DISTRICT COURT
 for the
 District of Nebraska

United States of America

v.

JOSE RAMIREZ FIGUEROA

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Case No. 8:15MJ46

FILED
 US DISTRICT COURT
 DISTRICT OF NEBRASKA

MAR 04 2015

OFFICE OF THE CLERK

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 2/19/15 in the county of Douglas in the
 District of Nebraska, the defendant(s) violated:

Code Section

8:1326(a)&(b)(1)

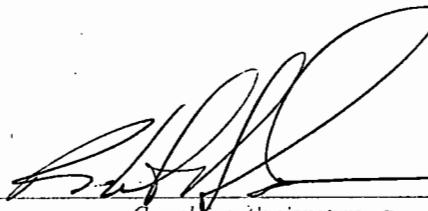
Offense Description

an alien, who previously had been excluded, deported, and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3), (4), and 557), having expressly consented to defendant's reapplication for admission into the United States. It is further alleged that the defendant, was excluded, deported, and removed from the United States subsequent to December 14, 2006. In violation of Title 8, United States Code, Section 1326(a) & (b)(1).

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.



Complainant's signature

HSI SA Robert A. Green

Printed name and title




Judge's signature

Sworn to before me and signed in my presence.

Date:

3/4/15

City and state:

Omaha, Nebraska

U.S. Magistrate Judge F.A. Gossett, III

Printed name and title

STATE OF NEBRASKA
COUNTY OF DOUGLAS

)
) AFFIDAVIT OF ROBERT A. GREEN
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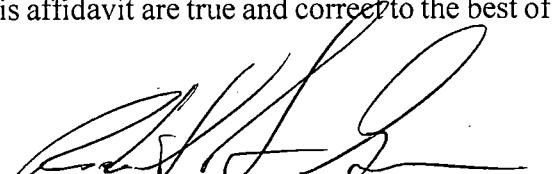
Robert A. Green, being first duly sworn, hereby states that:

1. Your affiant is a Deportation Officer for the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), with over seventeen (17) years of federal law enforcement experience, duly appointed according to law and at the time of the events herein was acting in his official capacity.
2. Your affiant was previously an Immigration Enforcement Agent within ICE that was promoted to a Deportation Officer in 2007. In that capacity your affiant has had occasion to conduct numerous investigations relating to administrative and criminal violations of the Immigration and Nationality Act (INA).
3. Deportation Officers are empowered to interrogate and arrest with or without warrant, any person believed to be an alien in the United States in violation of law, pursuant to Section 287 of the Immigration and Nationality Act (INA) (8 U.S.C. 1357). This Affidavit is based upon your affiant's personal knowledge and information provided to him by other law enforcement officers involved in this investigation.
4. In his official capacity, your affiant had the opportunity to make inquiries related to Jose RAMIREZ Figueroa (hereinafter "defendant"), who was encountered by an Immigration Officers working on or about February 19, 2015. At the time of the encounter defendant was at a restaurant on 170th Street in Omaha, Nebraska.
5. Your affiant conducted inquiries including a thorough search of DHS and Federal Bureau of Investigation (FBI) records. The results of the inquiries allowed your affiant to locate and review the official alien registration file (A99660278), criminal history records (FBI # 610398DC8), and court reports documenting defendant's convictions and a removal from the United States.
6. Defendant's fingerprints were scanned and submitted into the FBI's Integrated Automated Fingerprint Identification System (IAFIS). The IAFIS system compared defendant's current fingerprint impressions to fingerprint impressions maintained in the data base relating to persons who previously had been arrested by DHS or other law enforcement agencies. This comparison revealed defendant had been arrested by DHS previously.
7. As a result of the positive match of fingerprints as described in paragraph 6, your affiant was able to locate a unique alien registration file (A99660278) relating to this defendant. Records in that alien registration file, as well as information in various databases maintained by DHS

revealed that defendant had been ordered removed and removed from the United States to Mexico prior to being found in the District of Nebraska in 2015.

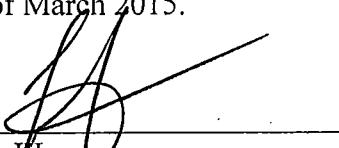
8. Based on IAFIS identification of defendant's prior history, your affiant reviewed defendant's alien registration file. The alien registration file and corresponding searches of DHS indices confirmed that the defendant is an alien who has been removed from the United States on one (1) prior occasion.
9. The defendant's alien registration file contains photographs, fingerprints and immigration documents identifying defendant as a citizen and national of Mexico, removed from the United States to Mexico, on March 30, 2007, pursuant to an Immigration Judges Order of Removal that was issued on March 26, 2007 in Seattle, Washington.
10. A search of DHS indices failed to produce any current record of an application for lawful entry or lawful admission into the United States.
11. Conviction records document defendant's conviction on December 14, 2006 in the Superior Court of Washington for Benton County for Unlawful Possession of a Controlled Substance, a Class C Felony to which defendant was sentenced to twenty (20) days incarceration.
12. Affiant believes there is probable cause that Jose RAMIREZ Figueroa is in violation of 8 United States Code, Section 1326(a) and (b)(1), an alien who after being convicted of a felony is found in the United States after having been removed and who had departed while an order of removal was outstanding and unlawfully re-entered without having obtained the consent of the Secretary of Homeland Security to reapply for admission to the United States.

Affiant states that all statements contained in this affidavit are true and correct to the best of his knowledge.



Robert A. Green, Deportation Officer
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to before
me this 4th day of March 2015.



F. A. GOSSETT, III
UNITED STATES MAGISTRATE JUDGE
District of Nebraska

